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PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional)	
	00-8022	

	Application Number	Filed
	10/003,394	October 23, 2001

First Named Inventor
Tremlett

Art Unit	Examiner
2157	El Hadji Malick Sall

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
       Note: No more than five (5) pages may be provided.

I am the

☐ applicant /inventor.

☐ assignee of record of the entire interest.
   See 37 CFR 3.71. Statement under 37 CFR 3.73(b)
   is enclosed. (Form PTO/SB/96)

☐ attorney or agent of record.
   Registration number _____

☒ attorney or agent acting under 37 CFR 1.34.
   Registration number if acting under 37 CFR 1.34.   25,648

Signature

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March 30, 2006
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of ___1___ forms are submitted.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being transmitted by facsimile to the United States Patent Office at 571-273-8300.

Dated: March 30, 2006   Signature: _Christian R. Andersen_ (Christian R. Andersen)

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PRE-APPEAL BRIEF REASONS FOR REQUEST OF REVIEW OF FINAL REJECTION DATED DECEMBER 30, 2005

Claims 1-31 are finally rejected under 35 U.S.C. §103(a) as being un-patentable over

U.S. Patent 6,853,714 to Liljestrand et al. (hereinafter "Lil") in view of U.S. Patent 6,789,118 to

Rao (hereinafter "Rao"). Applicants request review of the final rejection for the following

reasons:

I. RAO DISCLOSES "CALL POLICY"- NOT "DOMAIN POLICY"

The final Office Action states that "Lil fails to teach explicitly domain policy. However,

Rao teaches multi-service network switch with policy based routing. Rao teaches domain policy

(column 8, line 58 to column 9, line 3)." (see final Office Action, page 3 - rejection of

independent claim 1). Applicants agree that Lil does not teach domain policy. But, Applicants

respectfully disagree that Rao teaches a multi-service network switch with domain policy based

routing. The Examiner cited the following section in Rao:

> "FIG. 3 is an exemplary flow diagram for processing a connection request coming
> into the switch of FIG. 1. The program starts, and in step 50, the connection manager 46
> detects an incoming call in one of the physical ports of the FM 10 (the receiving FM). In
> step 52, the connection manager 46 notifies the resource manager 38 in the receiving FM
> 10 of the incoming call. The resource manager 38, in step 54, searches a *call policy*
> *database* for a *call policy record* corresponding to the incoming call. The *call policy*
> *record* includes various parameters which dictate how the call is to be routed. *Different*
> *policies* may be applied based on the inlink of the call, a telephone number, *a domain*
> *name*, a source address, a destination address, and the like." (Rao, col. 8, line 58 - col. 9,
> line 3; Emphasis added.)

This section of Rao does not disclose or suggest "domain policy" regardless of its use of both

terms - "policy" and "domain". A careful reading of this section shows that a "call policy" is

being discussed in the context of a "call policy database" and a "call policy record". The other

reference to "Different policies" in this section is still a reference only to "call policies". Indeed,

the above-quoted language "Different policies may be applied..." really means "Different [call]

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policies may be applied...." because there can be no other reasonable interpretation. The only "policy" discussed in this entire section of Rao is _call_ policy.

In the above-quoted section of Rao, last sentence, a list of items is given upon which applied call policies may be based. This list includes: "inlink of the call, a telephone number, a _domain name,_ a source address, a destination address, and the like." (emphasis added). It is abundantly clear that the expression "domain name" is nothing more than an identifier of a domain, just as the "telephone number" identifies the source or destination of a telephone call, the "source address" identifies the address of a source, the "destination address" identifies the address of a destination, etc. In general, a "domain _name_" (an identifier), by itself, has nothing to do with domain _policy_ which includes a set of rules applicable to members of that domain. In Rao, the domain name identifier is being used only as one of several possible factors upon which to base its _call policy_. The term "domain policy" does not appear in Rao and the separately used terms "domain" used with "domain name" and "policy" used with "call policy" should not be mis-construed together to allegedly suggest "domain policy."

Call policy is discussed in Rao in column 14 and is routing-path-selection limited. In other words, call policy is limited to selection of the routing path. Depending on the characteristics of a connection request such as an inbound access channel or link, a calling or called telephone number, a domain name, a source address, a destination address, etc., a router can be selected based solely on which of these connection requests is involved. Indeed, in call-policy based routing, packets are forwarded to a specific router based, for example, on a called telephone number. Thus, call policy based routing defines a routing path within Rao's switch without the need to refer to a separate routing table. (Rao, column 14, lines 1-12) The Rao switch maintains a call policy database that determines how a dial-up connection is handled. Call policy parameters allow selection of specific routers to which all user traffic should be

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directed. The call policy database is preferably configured as a plurality of call policy records, each record defining a unique profile for a set of users requiring system access.

This description of call policy is not a description of Applicants' "domain policy" which is policy applied by that domain's manager to calls mapped to that particular domain and which is recited in all independent claims[1]. Applicants' domain policies for a particular domain are rules which have broad control over call activity in that particular domain, such as restricting subscriber access to certain services. This is essentially different from mere routing-path selection. Referring to Applicants' specification, examples of "domain policy" are provided:

> Associated with each domain is a domain manager 206, 208. Domain managers 206, 208 can apply **domain policies** to calls mapped to their domain by a domain mapper 210. These policies can restrict subscriber access to different services. For example, a domain manager 206, 208 may implement a policy that denies access to a service 204 for subscribers that are behind in their payments. (specification, ¶[0024], emphasis added)

In the above example, this domain policy can restrict certain services based on payment information, e.g., can operate to deny access for subscribers who have not paid their phone bill. For other examples of domain policies, *see* pages 12-14 of Applicants' February 27, 2006 response to the final Office Action.

It is respectfully submitted that, for these reasons, the final Office Action is deficient wherefore the final rejection should be withdrawn and the claims allowed.

II. NO MOTIVATION TO BE DERIVED FROM LIL TO COMBINE LIL WITH RAO AND NO LIKELIHOOD OF THE COMBINATION OPERATING SUCCESSFULLY

Lil relates to apparatus and method for providing enhanced telecommunication services (title) to subscribers by implementing an enhanced services platform on a local network exchange within the public telephone network. Rao relates to a multi-service network switch with call policy based routing, the switch being capable of providing multiple network services

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[1] Independent claim 14 recites "authorization policy" instead, and its relationship, or equivalence, to domain policy has been addressed in the February 27, 2006 response to the final rejection, page 14 thereof.

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from a single platform. Accordingly, Lil and Rao provide solutions to inherently different

problems and the services provided by Lil are quite different from the services provided by Rao.

With respect to the ISO (International Standards Organization) OSI (Open Systems

Interconnection) networking protocol hierarchy, Lil's disclosure is directed to operation within

layer six (presentation) and layer seven (application) - call treatment services. But, by contrast,

Rao's switch disclosure is directed to operation within layer two (data link) and layer three

(network) routing services. Accordingly, one of ordinary skill in the art in reading Lil and

seeking a solution to an admitted (final Office Action, page 3) missing domain policy in Lil,

would not be motivated by any disclosure in Lil, directed to protocol layers six and seven, to

seek a missing domain policy by searching in Rao describing protocol layers two and three.

Furthermore, there would not be a reasonable expectation, or likelihood, of success in the

operation of any alleged solution derived from such a combination of references because the

protocol layers in the two references do not match each other.

It is respectfully submitted that, for these additional reasons, the final Office Action is

deficient wherefore the rejection should be withdrawn and the claims allowed.

III. PRIOR ART APPLICATION SERVER RELIED UPON IN PRINCIPAL REFERENCE TO SHOW SERVER-POSITIONING WITHIN PSTN IS NOT SUFFICIENTLY DISCLOSED

All of Applicants' claims are limited to receiving information corresponding to a

telephone call at an application server positioned OUTSIDE of a public switched telephone

network (PSTN or PTN). For example, in independent claim 1, it recites, *interalia*: "receiving

information corresponding to said call at the application server outside the PSTN..." Although

Fig. 1 of Lil shows, as prior art, a box representing an application server positioned outside a

PSTN, the final Office Action applies a different application server in Lil against elements of

Applicants' claims. Indeed, the final Office Action applies Lil's present invention application

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server, positioned <u>inside</u> the PSTN, against elements of claim 1. For example, *see* the final Office Action, page 3, applying Lil, column 6, lines 16-21, based on Fig. 4, against Applicants' "receiving" step.

Although Lil uses the same numerical designator "100" to identify both its prior art outside-PSTN service platform and its present invention inside-PSTN service platform, this is misleading, to say the least, because it suggests that both platforms are identical - i.e., precisely the same, which cannot be true. Applicants submit that a "<u>traditional services platform</u>" (Lil, col. 2, lines 58-60) configured or architected to be positioned <u>*outside*</u> a PTN cannot be identical in all respects to an exemplary "<u>enhanced services platform</u>" (Lil, col. 2, lines 61-64) configured or architected to be positioned <u>*inside*</u> a PTN. There must be differences between the two platforms, based at least on the different environments in which the two are operating, whereby the common "100" designation is wrong.

To match Applicants claims, any rejection based on Lil should be based solely on Lil's platform located <u>outside</u> the PTN, the prior art platform for which Lil supplies virtually *no* information. But, in order to point at some operational detail, the final Office Action instead applies Lil's present invention platform located <u>inside</u> the PTN. For example, on page 3 of the final Office Action, with reference to claim 1, it applies column 6, lines 16-21, 33-40 and 52-55 against various elements of claim 1, and these sections of Lil refer to Fig. 4 which depicts Lil's present invention platform 100 within PTN 102. Applicants submit that the final Office Action has erred in that it applies the detail of Lil's present invention, the inside PSTN application server, against Applicants' claim elements, while, at the same time, it points to Lil's prior art and un-detailed application server in order to allegedly read on Applicants' recited subject matter.

It is respectfully submitted that for these additional reasons, the final Office Action is deficient wherefore the rejection should be withdrawn and the claims allowed.